



(2)

PATENT

Docket No.: 201487/1020 (E2-001PCT-US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Notomi et al
Serial No. : 09/530,061 based on PCT/JP99/06213
Cnfrm. No. : 7501
Filed : November 8, 1999
For : METHOD OF SYNTHESIZING NUCLEIC
ACID

Examiner:
A. Chakrabarti

Art Unit:
1634

TRANSMITTAL LETTER FOR PAYMENT OF ISSUE FEE

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, Virginia 22202
Box: Issue Fee

Sir:

Applicants enclose herewith a check for \$1,310.00 covering payment of the Issue Fee and 10 patent copies for the above-identified application.

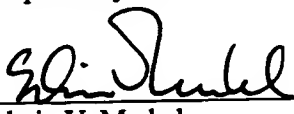
Also enclosed are the following items:

- 1) Issue Fee Transmittal (Form PTOL-85B); and
- 2) A self-addressed prepaid postcard acknowledging receipt of the above-identified material.
- 3) Comments on Statement of Reasons for Allowance

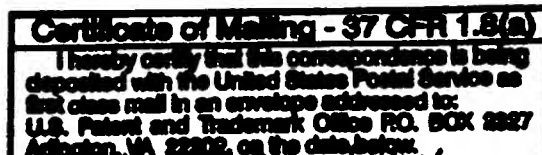
Please charge our Deposit Account No. 14-1138 for additional fees that may be incurred.

Respectfully submitted,

Date: April 24, 2002


Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600





Docket No. 201487/1020 (E2-001PCT-US)

PATENT

#19

DM

05/15/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Notomi et al.
Serial No. : 09/530,061
Cnfrm. No. : Unknown
Filed : November 8, 1999
For : METHOD OF SYNTHESIZING NUCLEIC
ACID

Examiner:
A. Chakrabarti

Art Unit:
1655

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
Washington, D.C. 20231
Box: ISSUE FEE

Sir:

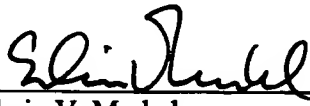
Applicants wish to make the following comments regarding the statement of reasons for allowance which appears in the Notice of Allowance (Paper No. 18).

With respect to the characterization of the present invention on page 2, applicants submit that the scope of the present invention is defined by allowed claims 29 and 42-59 and not limited to such characterization by the U.S. Patent and Trademark Office ("PTO").

With respect to the characterization of U.S. Patent No. 5,874,260 to Cleuziat et al. ("Cleuziat") on page 3, applicants submit that such characterization attributes to Cleuziat the disclosure of several elements recited in the allowed claims when, in fact, Cleuziat fails to make such disclosure. Therefore, applicants disagree with the PTO's characterization of Cleuziat for reasons already of record.

While the PTO correctly identifies one of the claim elements which distinguishes the claimed invention over Cleuziat, the PTO's recitation of only one distinguishing feature should by no means be construed as the only basis for such distinction. For reasons already of record, applicants submit that many bases of distinction exist between Cleuziat and the presently claimed invention.

Date: April 24, 2002


Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1128
Facsimile: (585) 263-1600

